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52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,087	06/10/2002	Joseph Wayne Freeman	RPS920020025	7103
47052	7590	06/14/2005	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			AMIN, NIRAV S	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/064,087

Applicant(s)

FREEMAN ET AL

Examiner

Nirav S. Amin

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/18/2002</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### ***Response to Arguments***

Applicant's arguments, see pages 8-11, filed 03/24/2005, with respect to the rejection(s) of claim(s) 1-5, 7-11, 13-18, 20-23 and 25 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Eckardt (USPN: 6,542,979).

### **DETAILED ACTION**

Claims 1-25 are pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Eckardt (USPN: 6,542,979).

As per claim 1, Eckardt discloses:

a) detecting a boot condition during the pre-boot test [Column 3, lines 44-46; Figure 3]; and

b) altering, in response to the boot condition, an operating system access configuration of the hardfile [Figure 3; Column 2, lines 5-10; Column 3, lines 58-62].

As per claim 7, Eckardt discloses:

a) detecting a special boot condition during a pre-boot test of the computer system [Column 3, lines 44-46; Figure 3]; and

b) altering, in response to the special boot condition, an operating system access configuration of the hardfile [Figure 3; Column 2, lines 5-10; Column 3, lines 58-62].

As per claim 13, Eckardt discloses:

a hardfile (100) for non-volatile storage of the operating system on a first part of the hardfile and a plurality of user data on a second part of the hardfile [Column 1, lines 35-50]; and

a hardfile controller, coupled to the hardfile and responsive to a special boot condition detected by the pre-boot procedure, for dynamically reconfiguring operating system access to the hardfile to permit access to both the first part and the second part in a first mode and to permit access to only the first part in a second mode [Column 2, lines 10-15; Column 4, lines 52-60].

As per claim 14, Eckardt discloses:

a hardfile (100) for non-volatile storage of the operating system on a first part of the hardfile and a plurality of user data on a second part of the hardfile [Column 1, lines 35-50]; and

a hardfile controller, coupled to the hardfile and responsive to a special boot condition detected by a pre-boot procedure of the computer system, for dynamically reconfiguring operating system access to the hardfile to permit access to both the first part and the second part in a first mode and to permit access to only the first part in a second mode [Column 2, lines 10-15; Column 4, lines 52-60].

As per claim 15, Eckardt discloses:

a hardfile controller, coupled to the hardfile and responsive to a boot condition detected by the pre-boot procedure, for dynamically reconfiguring operating system access to the hardfile to permit access to both the first part and the second part in a first mode and to permit access by the operating system to only the first part in a second mode [Column 2, lines 10-15; Column 4, lines 52-60].

As per claim 16, Eckardt discloses:

a hardfile controller, coupled to the hardfile and responsive to a boot condition detected by a pre-boot procedure of the computer system, for dynamically reconfiguring operating system access to the hardfile to permit access to both the first part and the

Art Unit: 2115

second part in a first mode and to permit access by the operating system to only the first part in a second mode [Column 2, lines 10-15; Column 4, lines 52-60].

As per claim 17, Eckardt discloses:

a hardfile (100) for nonvolatile storage of a operating system and user data;  
means, coupled to the computer system, for detecting a special boot condition during the pre-boot test [Column 3, lines 44-46; Figure 3]; and  
means, coupled to the hardfile and to the detecting means, for altering, in response to the special boot condition, an operating system access configuration of the hardfile [Column 2, lines 5-10; Column 3, lines 58-62].

As per claim 18, Eckardt discloses:

a hardfile (100) for nonvolatile storage of an operating system for a computer system in a first part and for nonvolatile storage of user data in a second part [Column 1, lines 35-50]; and  
means, coupled to the hardfile, for dynamically enabling operating system access to the hardfile in a first mode and a second mode, wherein the first mode enables access to the first part and the second part and the second mode enables access to only the first part [Column 2, lines 10-15; Column 4, lines 52-60].

As per claim 19, Eckardt discloses:

computer readable program code means for causing the computer system to detect a boot condition during the pre-boot test [Column 3, lines 44-46; Figure 3]; and

computer readable program code means for causing the computer system to alter, in response to the boot condition, an operating system access configuration parameter of the hardfile [Column 2, lines 5-10; Column 3, lines 58-62].

As per claim 23, Eckardt discloses:

a) detecting a boot condition during the pre-boot test [Column 3, lines 44-46; Figure 3]; and

b) altering, in response to the boot condition, an operating system access configuration of an access parameter of the hardfile [Column 2, lines 5-10; Column 3, lines 58-62].

As per claims 3, 9, 21 and 25, Eckardt discloses:

wherein the hardfile is a hard drive (100).

As per claims 4 and 10, Eckardt discloses:

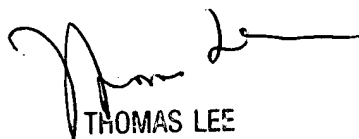
wherein the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile, and wherein the altering step b) sets the hardfile access to exclude the second part of the hardfile from access by the operating system [Column 1, lines 35-50; Column 2, lines 10-15; Column 4, lines 52-60].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav S. Amin whose telephone number is (571) 272-3821. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NA

  
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